



Agreement Officer's Technical Representative (AOTR) Designation - Cooperative Agreement Administration

An Additional Help for
ADS Chapter 303

New Additional Help: 02/25/2009
Responsible Office: M/OAA/P
File Name: 303sah_022509

**Agreement Officer's Technical Representative (AOTR) Designation
Cooperative Agreement Administration**

TO: []
FROM: [], Agreement Officer (AO)
SUBJECT: Cooperative Agreement Administration Authorities
DATE:
REF: Cooperative Agreement Number [] with
[]

You have been nominated to be the designated representative to provide technical and administrative oversight of the above referenced assistance award. In this letter, I formally accept this nomination and designate you the Agreement Officer's Technical Representative (AOTR) for the award. As the AOTR, you must **work as part of a team with me** (or my successor AO) to ensure that USAID exercises prudent management over its assistance funds. This letter and the relevant sections of Automated Directives System (ADS) Chapter 303, Grants and Cooperative Agreements to Non-Governmental Organizations, state the specific duties, authorities, and limitations that accompany this designation. Your familiarity with ADS 303, 22 CFR 226, Administration of Assistance Awards to U.S. Non-Governmental Organizations, and Acquisition and Assistance Policy Directives (AAPDs) issued periodically that affect your duties as AOTR is critical to carrying out your responsibilities successfully. You should maintain frequent liaison and direct communications with the recipient, but you must understand that the nature of the relationship is that of supporting their public purpose and not for obtaining the recipient's technical assistance or services for USAID.

Properly discharging your duties and responsibilities as an AOTR minimizes your risk of facing disciplinary action. The areas in which you must be particularly cautious involve contracting authority and financial management because your improper actions could indicate gross negligence.

- In CA Administration, this involves exceeding your authority as an AOTR and taking actions that are beyond your authority as delegated in this letter. If you have any questions in this area, contact the AO for advice BEFORE you take any action.
- In Financial Management, your risk increases when you act in a manner that is other than what would be expected of a reasonable individual. At a minimum, a reasonable individual would be expected to
 - Take reasonable steps to assure that the recipient has submitted all required program and financial reports;

- Make logical decisions from the information they have available (even if it isn't complete); and
- Document and provide justification for the action. (The documentation need not be formal or extensive, but it should be easily understood by an auditor or other third party individual reviewing it.)

I. RESPONSIBILITIES

As AOTR, you must read the entire cooperative agreement and thoroughly acquaint yourself with its purpose, terms, conditions, and the respective roles and responsibilities of the recipient, the Agreement Officer (AO), and the AOTR in ensuring it accomplishes its purpose. You should also periodically review the cooperative agreement to maintain familiarity with its terms and conditions.

AOTR responsibilities include:

A. Monitoring. You are responsible for monitoring the recipient's progress in achieving the objectives of the Program Description in the subject award and for verifying that the recipient's activities being funded by USAID under the referenced award conform to the terms and conditions of that award. For example, U.S. organization recipients that expend \$500,000 or more in Federal funds during a fiscal year must obtain a single or program-specific audit conducted for that year in accordance with OMB Circular A-133. Non-U.S. organization recipients that expend more that \$300,000 or more in Federal funds during a fiscal year must also obtain an annual audit in accordance with ADS 591.3.2.1.

B. Cooperative Agreement Revisions. You must make written recommendations to the AO when any changes to the Program Description, technical provisions, and/or any other term or condition of the award are necessary, along with a justification for the proposed action.

C. Substantial Involvement. You are responsible for any USAID substantial involvement, see ADS 303.3.11, specifically delegated to the AOTR in the schedule of the cooperative agreement in the section entitled "Substantial Involvement" or as delegated below: [Refer to the award to list the elements of substantial involvement the AOTR will monitor]

D. Financial Management. Although the responsibility for making payments and accounting for funds and balances rests in the Office of Financial Management (M/FM) or overseas Controller, you must administer financial management responsibilities by:

- Ensuring that all funding actions comply with USAID's forward funding guidelines in ADS 602, Forward Funding of Program Funds.

- Reviewing the recipient's request for payments or financial reports and providing or denying your administrative approval if required by the policy and required procedures in ADS Chapter 630, Payables Management.
- Monitoring the financial status of the award on a regular basis to ensure that the level of funding is the minimum necessary.
- Developing accrued expenditures on a quarterly basis in accordance with ADS 631, Accrued Expenditures, and instructions from M/FM or the mission controller. Please note that you must accomplish this task using information on hand and must not interpret this requirement as authority to request any additional financial reports from the recipient.
- Reviewing and documenting the review (for example, signing and dating a copy of the financial report) of financial status reports for U.S. organizations with letters of credit and periodic advance payments to monitor financial progress.
 - Contact the recipient for further explanation if questions arise regarding the appropriateness of expenditures, and
 - Contact the AO if not satisfied with the recipient's explanation.
- Initiating a request to the AO to deobligate funds if at any point it is apparent that the amount of available funds is more than will be necessary to complete the cooperative agreement activities. Guidance on this process is found in ADS 621, Obligations, and its Internal Mandatory Reference, Deobligation Guidebook.
- Monitoring recipient compliance with the requirement for them to obtain any host country tax exemptions for which they are eligible.
- Monitoring any cost sharing requirements.

Upon completion of the work under the award, reviewing any unliquidated obligation balance in the award and working with the AO to deobligate excess funds before beginning close-out actions.

E. Security. You must coordinate with the Office of Security (SEC) or its designee to obtain necessary security clearances and appropriate identification for the recipient and designated personnel if the CA is classified in accordance with ADS Chapter 567, Classified Contracts, Grants, Cooperative Agreements, and Contractor/Recipient Personnel Security. If this cooperative agreement is unclassified, but requires recipient employees to have building passes to enter either the USAID Headquarters building or a Mission or Embassy overseas, you must coordinate with your Bureau or Office Administrative Management Officer, Mission Executive Officer, or other individual responsible for requesting passes, see ADS 567. You must also notify SEC whenever any recipient personnel no longer need a building pass.

II. ADMINISTRATION

A. Communications. ADS section 303.3.17 contains the policy directives and required procedures for our joint administration of grants and cooperative agreements. Agreement officers are the mandatory control point of record for all official communication that would constitute an amendment to the award; therefore, please ensure that you provide me, within two business days after you transmit it to the recipient, a copy of any communications between you and the recipient that may lead to an amendment to the award or that may affect the recipient's rights or responsibilities under this cooperative agreement. You are responsible for reviewing all performance and financial reports for adequacy and responsiveness and for requesting that I take the necessary action when these reports are not submitted, are inadequate, or indicate a problem.

B. AOTR Files. As the AOTR, you have an important responsibility for establishing and maintaining adequate AOTR files. These files are your primary tools for carrying out your duties and responsibilities as the AOTR for this cooperative agreement and provide documentation of your actions. Inadequate files will impede your or your successor AOTR's ability to manage the cooperative agreement and therefore may jeopardize the program for which it was awarded. These files will also help successor AOTRs to understand your actions as AOTR and the reasons behind such actions, as well as to have adequate files for audit purposes.

You must ensure that the files contain the following:

- A copy of this AOTR designation letter;
- A copy of the cooperative agreement and all of its amendments;
- A copy of all correspondence between the AOTR and the recipient;
- The names of technical and administrative personnel assisting the AOTR;
- A copy of records of AOTR approvals, invoices, and other financial documents, initialed to demonstrate AOTR review, as well as other administrative paperwork and correspondence;
- The basis for the AOTR's accrual estimates, see ADS 631 Accruals, section 631.3.1, and its Additional Help document, Accrual Documentation;
- A copy of financial documentation to support their activities in the financial management area such as the SF-269 (ADS 630.3.2); and
- Budget pipeline analysis documentation.

III. LIMITATIONS

A. Scope of Authority/Avoiding Unauthorized Commitments. Your authority does not include making any changes in the Program Description, the terms and conditions of the award, or the total estimated budget. I must caution you that actions you take or directions you give beyond the authorities provided in this memorandum or in ADS 303 may create unauthorized commitments under the award. Any such unauthorized actions may lead to serious disputes and legal action that unnecessarily tie up Agency personnel and resources. In the worst case, you may be subject to disciplinary action if it is determined that the unauthorized commitment is a violation of the Anti-Deficiency Act, 31 U.S.C. secs. 1341- 1351, which provides for criminal penalties.

B. Re-delegation. You may not re-delegate the authorities or responsibilities contained in this memorandum to any other person. When carrying out your AOTR duties, you may ask others to assist you, but such assistance has limits. For example, you may ask others to conduct fact-finding or make recommendations regarding actions you may take as AOTR. However, anyone assisting you must not take any action that directly affects the recipient's rights or ability to carry out the program for which the grant was awarded. The ultimate responsibility for any actions taken, by you or others assisting you, remains with you.

C. Alternate AOTR. In your absence, and only in your absence, [] is hereby authorized to act on your behalf. If this individual is not available to carry out your AOTR responsibilities during your absence, notify the AO as soon as possible to discuss alternatives. To ensure minimal disruptions, please notify the recipient and the AO as soon as possible when you will be unavailable to discharge your AOTR responsibilities for a period of more than two weeks. If the alternate is not available in your absence, direct the recipient to receive any guidance from the AO.

D. Duration of AOTR Designation. This designation will remain in effect for the life of the award unless the AO rescinds it in writing or you resign this position. If you cannot fulfill your responsibilities as AOTR for any reason (e.g., transfer to another post), please notify the AO as soon as possible in order to ensure the timely designation of a successor.

IV. TRAINING

USAID has an AOTR Certification Program with formal classroom courses that complies with USAID internal policy and FAC – COTR requirements. USAID ADS Chapter 458 establishes the Agency's policy directives and required procedures for AOTR certification. I have verified that you have completed the AOTR Certification Program, but please be advised that you must complete at least 40

hours of Continuous Learning Points (CLPs) every two years in order to maintain your certification.

V. STANDARDS OF CONDUCT AND CONFLICTS OF INTEREST

As an employee of the Federal Government, you must respect and adhere to the principles of ethical conduct set forth in Title 5 of the Code of Federal Regulations, Part 2635—Standards of Ethical Conduct for Employees of the Executive Branch, 22 CFR 2635. You must notify the AO immediately of any suspected fraud, bribery, conflict of interest, or improper conduct on the part of the recipient or any member of its staff.

As an AOTR, you are responsible for protecting the U.S. Government's interests, while supporting its reputation for fair and equal dealings with all its partners, including CA recipients. Therefore, if you have any direct or indirect financial interests in violation of 18 U.S.C. 208 and/or 5 CFR 2635.401 and 5 CFR 2635.501 that may place you in a position where there is a conflict between your private interests and the public interest of the United States, you must immediately inform your supervisor, the AO, and the Assistant General Counsel for Ethics Administration (GC/EA, see <http://inside.usaid.gov/A/GC/EA/> for more information. Note this information is only available through the USAID intranet.) of this conflict so that appropriate action may be taken. As AOTR, you must avoid the appearance of such conflict in order to preserve public confidence in the U.S. Government (USG) employee's conduct of business. Furthermore, you must be aware of the post-employment restrictions on former USG employees, including Personal Service Contractors, found in 18 U.S.C. 207 to detect possible violations.

ACKNOWLEDGEMENT

Your signature below confirms that you:

- (1) Accept this appointment.
- (2) Agree to comply with all duties, responsibilities, and limitations outlined in this letter, particularly those pertaining to conflicts of interest by agreeing to conduct business dealings in a completely impartial manner that avoids conflicts of interest.
- (3) Are eligible to be an AOTR and have completed the COTR/AOTR certification program that includes the web-based Phoenix Accruals on-line course, completion of A&A 102 : Acquisition Management for COTRs, and completion of A&A 103 : Assistance Management for AOTRs.

I HEREBY ACCEPT THIS APPOINTMENT AND ACKNOWLEDGE MY DUTIES AND RESPONSIBILITIES:

AGREEMENT OFFICER'S TECHNICAL
REPRESENTATIVE SIGNATURE

DATE

After signing, return this original memorandum me within _____ days. Retain a copy for your records. I will acknowledge your acceptance of this designation by signing below and send a copy to you and the others indicated below.

AGREEMENT OFFICER'S SIGNATURE

DATE

cc:

- [], Alternate AOTR
- [], Paying Office or Mission Controller
- [], AOTR's supervisor
- [], Recipient

**Alternate
Agreement Officer's Technical Representative (AOTR) Designation –
Cooperative Agreement Administration**

TO: []
REF: Cooperative Agreement Number [] with
[]

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Your signature below confirms that you:

- (1) Accept this appointment.
- (2) Agree to comply with all duties, responsibilities, and limitations outlined in this letter, particularly those pertaining to conflicts of interest, by agreeing to conduct business dealings in a completely impartial manner that avoids conflicts of interest.
- (3) Understand that you are only authorized to perform these duties in the absence of the AOTR.
- (4) Are eligible to be an AOTR and have completed the COTR/AOTR Certification Program.

I HEREBY ACCEPT THIS APPOINTMENT AND ACKNOWLEDGE MY DUTIES AND RESPONSIBILITIES AS ALTERNATE AOTR:

ALT. AGREEMENT OFFICER'S
TECHNICAL REPRESENTATIVE

DATE

After signing, return this original memorandum to me within _____ days. Retain a copy for your records. I will acknowledge your acceptance of this designation by signing below and send a copy to you and the others indicated below.

AGREEMENT OFFICER

DATE

cc:

[], Paying office or Mission Controller
[], Alternate AOTR's supervisor

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